

Message Text

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ORIGIN L-03

INFO OCT-01 AF-05 SY-07 ISO-00 SSO-00 INR-10 INRE-00 SPC-03

SCS-01 CIAE-00 PRS-01 /031 R

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DRAFTED BY: L/AF:BKHUFFMAN

APPROVED BY: AF/E:WCOOTE

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FM SECSTATE WASHDC

TO AMEMBASSY MOGADISCIO IMMEDIATE

INFO AMEMBASSY BEIRUT PRIORITY

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BEIRUT FOR CO CO B.

E.O. 11652: N/A

TAGS: CASC

SUBJECT: SOMALI DETENTION OF US MARINES.

REF: (A) MOGADISCIO 3

(B) STATE 209216, 16 NOV. 1972 AND FOLLOWING

1. SOMALI ACTIONS AGAINST MARINE GUARDS RAISE POTENTIALLY SERIOUS LEGAL ISSUE UNDER VIENNA CONVENTION ON DIPLOMATIC RELATIONS TO WHICH BOTH USG AND GSDR HAVE ACCEDED WITHOUT RESERVATION. CABLES CONCERNING ARREST OF MARINE SGT. FENTIMAN IN 1972 (REF B AND FOLLOWING) PRESENT USG POSITION CLEARLY AND DESCRIBE DEMARCHES ON SIMILAR ISSUE TO PRESIDENT SIAD AND OTHERS.

2. IN BRIEF, GUARDS ARE MEMBERS OF ADMINISTRATIVE AND TECHNICAL STAFF AND ARE SO NOTIFIED TO GSDR. AS SUCH THEY ARE ENTITLED TO COMPLETE IMMUNITY FROM ALL EXERCISES OF CRIMINAL JURISDICTION AND FROM ANY FORM OF ARREST OR DETENTION BY RECEIVING STATE.

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3. IN LIGHT FOREGOING, REQUEST EMBASSY MAKE OUR LEGAL

POSITION ON THIS ISSUE A MATTER OF RECORD AT FORMIN IN
MANNER CONSIDERED MOST APPROPRIATE WITH VIEW TO HAVING
CHARGES DISMISSED. ISSUE, OF COURSE, GOES BEYOND TREATMENT
OF MARINE GUARDS AND CLEAR CONFLICT WITH VIENNA CONVENTION
SINCE GSDR ACTION COULD ESTABLISH PRECEDENT EXPOSING ALL
EMBASSY PERSONNEL OTHER THAN DIPLOMATIC OFFICERS TO
EXERCISES OF SOMALI CRIMINAL JURISDICTION. KISSINGER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DIPLOMATIC PRIVILEGES, SECURITY GUARDS, ARRESTS
Control Number: n/a
Copy: SINGLE
Draft Date: 04 JAN 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: morefirh
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE001515
Document Source: CORE
Document Unique ID: 00
Drafter: L/AF:BKHUFFMAN
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: n/a
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740161/aaaacfws.tel
Line Count: 68
Locator: TEXT ON-LINE
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: (A) MOGADISCIO 3
Review Action: RELEASED, APPROVED
Review Authority: morefirh
Review Comment: n/a
Review Content Flags:
Review Date: 20 MAR 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <20 MAR 2002 by worrelsw>; APPROVED <20 MAR 2002 by morefirh>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: SOMALI DETENTION OF US MARINES.
TAGS: CASC, MILI, SO
To: MOGADISCIO
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005